

Calendar No. 67

108TH CONGRESS
1ST SESSION**H. R. 289**

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2003

Received; read twice and referred to the Committee on Environment and
Public Works

APRIL 9, 2003

Reported by Mr. INHOFE, without amendment

AN ACT

To expand the boundaries of the Ottawa National Wildlife
Refuge Complex and the Detroit River International
Wildlife Refuge.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ottawa National Wild-
5 life Refuge Complex Expansion and Detroit River Inter-
6 national Wildlife Refuge Expansion Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1 (1) the western basin of Lake Erie, as part of
2 the Great Lakes ecosystem—

3 (A) is the largest freshwater ecosystem in
4 the world; and

5 (B) is vitally important to the economic
6 and environmental future of the United States;

7 (2) over the 30-year period preceding the date
8 of enactment of this Act, the citizens and govern-
9 mental institutions of the United States and Canada
10 have devoted increasing attention and resources to
11 the restoration of the water quality and fisheries of
12 the Great Lakes, including the western basin;

13 (3) that increased awareness has been accom-
14 panied by a gradual shift toward a holistic eco-
15 system approach that highlights a growing recogni-
16 tion that shoreline areas, commonly referred to as
17 nearshore terrestrial ecosystems, are an integral part
18 of the western basin and the Great Lakes ecosystem;

19 (4) the Great Lakes account for more than 90
20 percent of the surface freshwater in the United
21 States;

22 (5) the western basin receives approximately 90
23 percent of its flow from the Detroit River and only
24 approximately 10 percent from tributaries;

1 (6) the western basin is an important ecosystem
2 that includes a number of distinct islands, channels,
3 rivers, and shoals that support dense populations of
4 fish, wildlife, and aquatic plants;

5 (7) coastal wetland of Lake Erie supports the
6 largest diversity of plant and wildlife species in the
7 Great Lakes;

8 (8) because Lake Erie is located at a more
9 southern latitude than other Great Lakes, the mod-
10 erate climate of Lake Erie is appropriate for many
11 species that are not found in or along the northern
12 Great Lakes;

13 (9) more than 300 species of plants, including
14 37 significant species, have been identified in the
15 aquatic and wetland habitats of the western basin;

16 (10) the shallow western basin of Lake Erie,
17 extending from the Lower Detroit River to Sandusky
18 Bay, is home to the greatest concentration of
19 marshes in Lake Erie, including—

20 (A) Mouille, Metzger, and Magee marshes;

21 (B) the Maumee Bay wetland complex;

22 (C) the wetland complexes flanking Locust
23 Point; and

24 (D) the wetland in Sandusky Bay;

1 (11) the larger islands of the United States in
2 western Lake Erie have wetland in small
3 embayments;

4 (12) the wetland in the western basin comprises
5 some of the most important waterfowl habitat in the
6 Great Lakes;

7 (13) waterfowl, wading birds, shore birds, gulls
8 and terns, raptors, and perching birds use the wet-
9 land in the western basin for migration, nesting, and
10 feeding;

11 (14) hundreds of thousands of diving ducks
12 stop to rest in the Lake Erie area during autumn
13 migration from Canada to points east and south;

14 (15) the wetland of the western basin provides
15 a major stopover for ducks, such as migrating
16 bufflehead, common goldeneye, common mergansers,
17 and ruddy duck;

18 (16) the international importance of Lake Erie
19 is indicated in the United States by congressional
20 designation of the Ottawa and Cedar Point National
21 Wildlife Refuges;

22 (17)(A) Lake Erie has an international reputa-
23 tion for walleye, perch, and bass fishing, recreational
24 boating, birding, photography, and duck hunting;
25 and

1 (B) on an economic basis, tourism in the Lake
2 Erie area accounts for an estimated \$1,500,000,000
3 in retail sales and more than 50,000 jobs;

4 (18)(A) many of the 417,000 boats that are
5 registered in the State of Ohio are used in the west-
6 ern basin, in part to fish for the estimated
7 10,000,000 walleye that migrate from the lake to
8 spawn; and

9 (B) that internationally renowned walleye fish-
10 ery drives much of the \$2,000,000,000 sport fishing
11 industry in the State of Ohio;

12 (19) coastal wetland in the western basin has
13 been subjected to intense pressure for 150 years;

14 (20) prior to 1850, the western basin was part
15 of an extensive coastal marsh and swamp system
16 consisting of approximately 122,000 hectares that
17 comprised a portion of the Great Black Swamp;

18 (21) by 1951, only 12,407 wetland hectares re-
19 mained in the western basin;

20 (22) 50 percent of that acreage was destroyed
21 between 1972 and 1987, leaving only approximately
22 5,000 hectares in existence today;

23 (23) along the Michigan shoreline, coastal wet-
24 land was reduced by 62 percent between 1916 and
25 the early 1970s;

1 (24) the development of the city of Monroe,
2 Michigan, has had a particularly significant impact
3 on the coastal wetland at the mouth of the Raisin
4 River;

5 (25) only approximately 100 hectares remain
6 physically unaltered today in an area in which, 70
7 years ago, marshes were 10 times more extensive;

8 (26) in addition to the actual loss of coastal
9 wetland acreage along the shores of Lake Erie, the
10 quality of much remaining dike wetland has been de-
11 graded by numerous stressors, especially excessive
12 loadings of sediments and nutrients, contaminants,
13 shoreline modification, exotic species, and the diking
14 of wetland; and

15 (27) protective peninsula beach systems, such
16 as the former Bay Point and Woodtick, at the bor-
17 der of Ohio and Michigan near the mouth of the Ot-
18 tawa River and Maumee Bay, have been eroded over
19 the years, exacerbating erosion along the shorelines
20 and negatively affecting breeding and spawning
21 grounds.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) INTERNATIONAL REFUGE.—The term
25 “International Refuge” means the Detroit River

1 International Wildlife Refuge established by section
2 5(a) of the Detroit River International Wildlife Ref-
3 uge Establishment Act (16 U.S.C. 668dd note; 115
4 Stat. 894).

5 (2) REFUGE COMPLEX.—The term “Refuge
6 Complex” means the Ottawa National Wildlife Ref-
7 uge Complex and the lands and waters in the com-
8 plex, as described in the document entitled “The
9 Comprehensive Conservation Plan for the Ottawa
10 National Wildlife Refuge Complex” and dated Sep-
11 tember 22, 2000, including—

12 (A) the Ottawa National Wildlife Refuge,
13 established by the Secretary in accordance with
14 the Migratory Bird Conservation Act (16
15 U.S.C. 715 et seq.);

16 (B) the West Sister Island National Wild-
17 life Refuge established by Executive Order No.
18 7937, dated August 2, 1937; and

19 (C) the Cedar Point National Wildlife Ref-
20 uge established by the Secretary in accordance
21 with the Migratory Bird Conservation Act (16
22 U.S.C. 715 et seq.).

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

25 (4) WESTERN BASIN.—

1 (A) IN GENERAL.—The term “western
2 basin” means the western basin of Lake Erie,
3 consisting of the land and water in the water-
4 sheds of Lake Erie extending from the water-
5 shed of the Lower Detroit River in the State of
6 Michigan to and including Sandusky Bay and
7 the watershed of Sandusky Bay in the State of
8 Ohio.

9 (B) INCLUSION.—The term ‘western basin’
10 includes the Bass Island archipelago in the
11 State of Ohio.

12 **SEC. 4. EXPANSION OF BOUNDARIES.**

13 (a) REFUGE COMPLEX BOUNDARIES.—

14 (1) EXPANSION.—The boundaries of the Refuge
15 Complex are expanded to include land and water in
16 the State of Ohio from the eastern boundary of
17 Maumee Bay State Park to the eastern boundary of
18 the Darby Unit (including the Bass Island archi-
19 pelago), as depicted on the map entitled “Ottawa
20 National Wildlife Refuge Complex Expansion and
21 Detroit River International Wildlife Refuge Expan-
22 sion Act” and dated September 6, 2002.

23 (2) AVAILABILITY OF MAP.—The map referred
24 to in paragraph (1) shall be available for inspection

1 in appropriate offices of the United States Fish and
2 Wildlife Service.

3 (b) BOUNDARY REVISIONS.—The Secretary may
4 make such revisions of the boundaries of the Refuge Com-
5 plex as the Secretary determines to be appropriate to fa-
6 cilitate the acquisition of property within the Refuge Com-
7 plex.

8 (c) ACQUISITION.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary may acquire by donation, purchase
11 with donated or appropriated funds, or exchange the
12 land and water, and interests in land and water (in-
13 cluding conservation easements), within the bound-
14 aries of the Refuge Complex.

15 (2) MANNER OF ACQUISITION.—Any and all ac-
16 quisitions of land or waters under the provisions of
17 this Act shall be made in a voluntary manner and
18 shall not be the result of forced takings.

19 (d) TRANSFERS FROM OTHER AGENCIES.—Adminis-
20 trative jurisdiction over any Federal property that is lo-
21 cated within the boundaries of the Refuge Complex and
22 under the administrative jurisdiction of an agency of the
23 United States other than the Department of the Interior
24 may, with the concurrence of the head of the admin-

1 istering agency, be transferred without consideration to
2 the Secretary for the purpose of this Act.

3 (e) STUDY OF ASSOCIATED AREA.—

4 (1) IN GENERAL.—The Secretary, acting
5 through the Director of the United States Fish and
6 Wildlife Service, shall conduct a study of fish and
7 wildlife habitat and aquatic and terrestrial commu-
8 nities in and around the 2 dredge spoil disposal sites
9 that are—

10 (A) referred to by the Toledo-Lucas Coun-
11 ty Port Authority as “Port Authority Facility
12 Number Three” and “Grassy Island”, respec-
13 tively; and

14 (B) located within Toledo Harbor near the
15 mouth of the Maumee River.

16 (2) REPORT.—Not later than 18 months after
17 the date of enactment of the Act, the Secretary
18 shall—

19 (A) complete the study under paragraph
20 (1); and

21 (B) submit to Congress a report on the re-
22 sults of the study.

1 **SEC. 5. EXPANSION OF INTERNATIONAL REFUGE BOUND-**
2 **ARIES.**

3 The southern boundary of the International Refuge
4 is extended south to include additional land and water in
5 the State of Michigan located east of Interstate Route 75,
6 extending from the southern boundary of Sterling State
7 Park to the Ohio State boundary, as depicted on the map
8 referred to in section 4(a)(1).

9 **SEC. 6. ADMINISTRATION.**

10 (a) REFUGE COMPLEX.—

11 (1) IN GENERAL.—The Secretary shall admin-
12 ister all federally owned land, water, and interests in
13 land and water that are located within the bound-
14 aries of the Refuge Complex in accordance with—

15 (A) the National Wildlife Refuge System
16 Administration Act of 1966 (16 U.S.C. 668dd
17 et seq.); and

18 (B) this Act.

19 (2) ADDITIONAL AUTHORITY.—The Secretary
20 may use such additional statutory authority avail-
21 able to the Secretary for the conservation of fish and
22 wildlife, and the provision of opportunities for fish-
23 and wildlife-dependent recreation, as the Secretary
24 determines to be appropriate to carry out this Act.

25 (b) ADDITIONAL PURPOSES.—In addition to the pur-
26 poses of the Refuge Complex under other laws, regula-

1 tions, executive orders, and comprehensive conservation
2 plans, the Refuge Complex shall be managed—

3 (1) to strengthen and complement existing re-
4 source management, conservation, and education
5 programs and activities at the Refuge Complex in a
6 manner consistent with the primary purposes of the
7 Refuge Complex—

8 (A) to provide major resting, feeding, and
9 wintering habitats for migratory birds and
10 other wildlife; and

11 (B) to enhance national resource conserva-
12 tion and management in the western basin;

13 (2) in partnership with nongovernmental and
14 private organizations and private individuals dedi-
15 cated to habitat enhancement, to conserve, enhance,
16 and restore the native aquatic and terrestrial com-
17 munity characteristics of the western basin (includ-
18 ing associated fish, wildlife, and plant species);

19 (3) to facilitate partnerships among the United
20 States Fish and Wildlife Service, Canadian national
21 and provincial authorities, State and local govern-
22 ments, local communities in the United States and
23 Canada, conservation organizations, and other non-
24 Federal entities to promote public awareness of the
25 resources of the western basin; and

1 (4) to advance the collective goals and priorities
2 that—

3 (A) were established in the report entitled
4 “Great Lakes Strategy 2002—A Plan for the
5 New Millennium”, developed by the United
6 States Policy Committee, comprised of Federal
7 agencies (including the United States Fish and
8 Wildlife Service, the National Oceanic and At-
9 mospheric Administration, the United States
10 Geological Survey, the Forest Service, and the
11 Great Lakes Fishery Commission) and State
12 governments and tribal governments in the
13 Great Lakes basin; and

14 (B) include the goals of cooperating to pro-
15 tect and restore the chemical, physical, and bio-
16 logical integrity of the Great Lakes basin eco-
17 system.

18 (c) PRIORITY USES.—In providing opportunities for
19 compatible fish- and wildlife-dependent recreation, the
20 Secretary, in accordance with paragraphs (3) and (4) of
21 section 4(a) of the National Wildlife Refuge System Ad-
22 ministration Act of 1966 (16 U.S.C. 668dd(a)), shall en-
23 sure that hunting, fishing, wildlife observation and photog-
24 raphy, and environmental education and interpretation are
25 the priority public uses of the Refuge Complex.

1 (d) COOPERATIVE AGREEMENTS REGARDING NON-
2 FEDERAL LAND.—To promote public awareness of the re-
3 sources of the western basin and encourage public partici-
4 pation in the conservation of those resources, the Sec-
5 retary may enter into cooperative agreements with the
6 State of Ohio or Michigan, any political subdivision of the
7 State, or any person for the management, in a manner
8 consistent with this Act, of land that—

9 (1) is owned by the State, political subdivision,
10 or person; and

11 (2) is located within the boundaries of the Ref-
12 uge Complex.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as are necessary—

16 (1) to acquire land and water within the Refuge
17 Complex under section 4(c);

18 (2) to carry out the study under section 4(e);
19 and

20 (3) to develop, operate, and maintain the Ref-
21 uge Complex.

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